## REMARKS

STATUS OF CLAIMS

Claims 1-19 are pending.

The Examiner maintains the rejections of claims 7, 11, 15, and 19 under 35 USC 102(e) as being anticipated by Bowater (US Patent No. 6,282,269).

Claims 1-3 and 16 are rejected under 35 USC 103(a) as being unpatentable over Brilla (US Patent No. 6,389,276) in view of Skladman (US Patent No. 6,487,278). Previously these claims were rejected as being anticipated by only Brilla under 35 USC 102(e). Therefore, Skladman is newly relied upon.

Claims 4-6 and 17-18 are rejected under 35 USC 103(a) as being unpatentable over Brilla in view of Skladman and Sashihara (US Patent No. 6,434,405). Previously, these claims were rejected as being unpatentable over only Brilla and Sashihara.

The Examiner maintains the rejection of claims 8-10 and 12-14 under 35 USC 103(a) as being unpatentable over Bowater and Sashihara.

Claims 1, 4, 8, 12, and 16 are amended, and, thus, claims 1-19 remain pending for reconsideration, which is respectfully requested.

The foregoing rejections are traversed. No new matter has been added in this Amendment.

## CLAIMED INVENTION

The independent claims are 1, 4, 7, 8, 11, 12, 15, 16 and 19, all of which recite the patentably distinguishing features, "receiving in the portable wireless telephone message service information from a resource database ... via a data channel ...; processing a message responsive to the message service information via a data channel ..." (e.g., claim 1).

The primary prior art references are Brilla and Bowater.

### INDEPENDENT CLAIMS 1, 4, 7, 8, 11, 12, 15, 16, and 19

Regarding independent claims 1, 4, 8, 12 and 16, generally, the Examiner on page 10, items i, ii and iii, of the Action, asserts that Brilla's wireless telephone 122 is in communication with the voice mail system 114 via the Internet (i.e., a data channel). Further, the Examiner appears to assert that Brilla's message platform 112 is same as the claimed "resource

database," because the message platform 112 notifies the wireless phone 122 of voice messages (see, Brilla, column 7, lines 63-67).

The previous Amendment asserted that in Brilla, the wireless telephone 122 communicates with the voice mail system 114 only by receiving a notification message from the voice mail system 114, via the packet switched network 124 (Internet) and the SMS 130, indicating storage of a message in the voicemail box corresponding to the subscriber premises 104 (Brilla, column 7, lines 50-62). In other words, Brilla's wireless telephone 122 does not process a voice message via the Internet as a data channel.

In response to the previous Amendment assertion, the Examiner relies on Brilla, column 16, lines 64-67 and asserts that similar to the present invention, the wireless telephone 122 processes a voice message stored in the voice message system 114 via the Internet 124 (a data channel). See, page 11, item iv of the Action. However, in Brilla the user places a telephone call, via the public switched telephone network (PSTN) 101, to the voice mail system 114 as shown in FIG. 2, and in Brilla, the user does not retrieve messages stored in the voice message system 114 via the Internet 124. Although Brilla does not disclose the details of how the mobile subscriber instantly accesses the stored voice mail message 110 from the wireless telephone 122, it is well known in the related art of the present invention, including to one skilled in the art, that Brilla's wireless telephone 122 at least does not process voice messages through the short message service (SMS) server 130 and the Internet 124.

Therefore, for example, at least independent claims 7, 11, 15 and 19 are allowable. For example, claim 7 recites, "controlling from a portable wireless telephone processing of a voice message on a voice message storage system using a data channel with the voice message storage system." Again, it is well known in the related art of the present invention, including to one skilled in the art, that Brilla's wireless telephone 122 places a telephone call, via the public switched telephone network (PSTN) 101, to the voice mail system 114, for example, to play or record a voice message (shown in FIG. 2 as calling party 103a and described in column 6, lines 54-66).

Regarding processing of other types of messages, Brilla's page text notification differs from the present invention's claimed recitation, "processing a message ... via a data channel." The Examiner in page 11, item iv, of the Office Action, relies on Brilla, column 16, lines 64-67 to assert that the present invention's claimed recitation, "processing a message ... via a data channel" is similar to Brilla's wireless telephone 122 receiving short messages via the Internet 124 and the SMS 130. However, it is well known in the related art of the present invention,

including to one skilled in the art, that Brilla's wireless telephone 122 does not "process messages" through the short message service (SMS) server 130 and the Internet 124 (see, Skaldman, column 1, lines 34-36). In particular, the recitation "processing a message ... via a data channel," provides that a portable wireless telephone 100 can play, record, view, etc., or otherwise manage messages by transmitting/receiving data over a data channel between the portable wireless telephone and a message storage system. Nevertheless, for clarification, the independent claims 1, 4, 8, 12 and 16 are further amended, using the recitation of claim 1 as an example, as follows:

> 1.      (CURRENTLY AMENDED) A process, by which a portable wireless telephone controls processing of a message on a message storage system, comprising:
>
> receiving in the portable wireless telephone, according to a data channel application layer data transfer protocol, message service information from a resource database via a data channel between the portable wireless telephone and the resource database;
>
> processing according to the data channel application layer data transfer protocol, a message responsive to the message service information via a data channel between the portable wireless telephone and the message storage system according to the message service information; and
>
> updating according to the data channel application layer data transfer protocol, the message service information in the resource database by the message storage system according to the processing, via a data channel between the resource database and the message storage system.

In other words, Brilla does not disclose or suggest the claimed communication among the wireless telephone, a resource database, and a message storage system "according to a "data channel application layer data transfer protocol." Support for the claim amendments can be found, for example, in FIG. 3, and paragraphs 31 and 34-47 of the Application.

Although, Brilla's FIG. 4 discloses an SMTP server in the message platform 112, the SMTP protocol is used for transferring email messages. In contrast, the present invention's claimed "data channel application layer data transfer protocol" transfers data, such as voice, video, text, etc., among the wireless telephone 100, the resource database 114 and the message storage system 112 as shown in FIG. 3 of the present Application.

Although Sashihara discloses mail transmitting and receiving means (FIGS. 3, 4, 5, 6, 7, 8, 9 and 10), Sashihara does not disclose the details of such means. Further, Sashihara is limited to transmitting and receiving emails, and does not perform the present invention's

claimed recitation, "processing according to the data channel application layer data transfer protocol, a message" (claim 1).

Skaldman is relied upon for disclosing the resource database updating of the claimed invention as recited in claims 1, 4, and 8. However, in Skaldman, FIG. 1a, the unified message server 64 does not update the notification server 66 according to the present invention's claimed recitation, "data channel application layer data transfer protocol" (e.g., claim 1).

### INDEPENDENT CLAIMS 7, 11, 15, 19

Regarding remaining independent claims 7, 11, 15 and 19, the Examiner asserts that Bowater anticipates these claims. Bowater discloses an Internet telephony voice mail system. The previous Amendment asserted that in contrast to Bowater, the present invention provide a wireless telephone that processes a voice message via a data channel. The Examiner asserts that Bowater in column 7, lines 1-3 discloses using GSM cellular phones as part of the Internet telephone voice mail system. However, Bowater's column 7, lines 1-3 relates to compression techniques in wireless phones and does not disclose or suggest the claimed recitation, "a portable wireless telephone processing of a voice message on a voice message storage system using a data channel with the voice message storage system" (claim 7) (i.e., processing voice messages in a wireless phone using/on a data channel). Therefore, independent claim 7, 11, 15 and 19 are allowable.

### INDEPENDENT CLAIMS 8 AND 12

Regarding independent claims 8 and 12, the Examiner relies on Sashihara, which discloses storing in advance an email message before connecting to the email server (column 1, lines 52-59). In contrast to Sashihara, the independent claims 8 and 12 are further amended to recite, "recording a voice message for a recipient subscriber in a portable wireless telephone without establishing a voice or data channel with the message storage system" (claim 8).

## CONCLUSION

In view of the claim amendments and the remarks, withdrawal of the rejections of claims 1-19 and allowance of claims 1-19 is respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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